



CITY OF DULUTH

Planning Division

411 W 1st St, Rm 208 * Duluth, Minnesota 55802-1197

Phone: 218/730.5580 Fax: 218/723-3559

STAFF REPORT

| | | | | |
|-----------------------------|-------------------------------------|---------------------------------|--------------------------------|----------------|
| File Number | PL 15-029 | Contact | Steven Robertson, 218 730 5295 | |
| Application Type | Vacation of Utility Easement | Planning Commission Date | March 10, 2015 | |
| Deadline for Action | Application Date | February 26, 2015 | 60 Days | April 27, 2015 |
| | Date Extension Letter Mailed | February 26, 2015 | 120 Days | June 26, 2015 |
| Location of Subject | 6520 Grand Avenue | | | |
| Applicant | Kwik Trip | Contact | | |
| Agent | Brad Fry | Contact | bfry@kwiktrip.com | |
| Legal Description | See attached | | | |
| Site Visit Date | February 28, 2015 | Sign Notice Date | February 23, 2015 | |
| Neighbor Letter Date | February 26, 2015 | Number of Letters Sent | 28 | |

Proposal

Applicant is proposing a vacation of an active utility easement (a sanitary sewer line is present in the easement). The current easement is 66 feet wide by 200 feet long. The applicant would then dedicate a new 30 foot wide by 366 foot long drainage and utility easement.

| | Current Zoning | Existing Land Use | Future Land Use Map Designation |
|----------------|----------------|-------------------|--|
| Subject | MU-B/MU-N | Industrial | General Mixed Use/Preservation |
| North | R-2/R-1 | Residential | Neighborhood Mixed Use, Traditional Neigh. |
| South | R-1/MU-B | Industrial | Preservation/General Mixed Use |
| East | MU-B/R-1 | Residential | General Mixed Use/Traditional Neighborhood |
| West | R-2/R-1 | Residential | Neighborhood Mixed Use/Preservation/Trad Neiq. |

Summary of Code Requirements (reference section with a brief description):

Vacation of public rights of way and/or easements require a Planning commission public hearing with a recommendation to City Council. City Council action is to approve or deny by resolution. Resolutions approving either a full or partial vacation require a 6/9's vote of the council.

Code requirements are found in UDC Section 50-37.6. The Planning Commission shall review the proposed vacation, and council shall approve the proposed vacation, or approve it with modifications, if it determines that the street, highway, or easement proposed for vacation:

1. Is not and will not be needed for the safe and efficient circulation of automobiles, trucks, bicycles or pedestrians or the efficient supply of utilities or public services in the city;
2. Where the street terminates at a waterfront or shoreline, the street is not and will not be needed to provide pedestrian or recreational access to the water;
3. Is not otherwise needed to promote the public health, safety or welfare of the citizens of Duluth.

III. C-1

Comprehensive Plan Findings (Governing Principle and/or Policies) and Current History (if applicable):

Future Land Use - General Mixed Use. The broadest mix of uses, including light industrial, office, commercial, and residential use, with performance standards to ensure compatibility. Includes areas that are in transition from industrial uses and large redevelopments that require master plans and phased development. General or heavy industrial can be included when a large site is master planned to allow appropriate separation of uses.

The MU-B district is intended to accommodate modern light industrial and technology-based developments of attractive integrated design and function. The development standards for this district are intended to ensure that projects minimize adverse impacts on surrounding uses and neighborhoods, reduce impacts on the natural environment, enhance the visual quality of development and ensure the provision of adequate and cost-efficient public facilities.

History: Prior to the adoption of the UDC in late 2010, much of this property was zoned M-1, Manufacturing District. The 66th Avenue West Right of Way was vacated (up to the railroad line of the former Northern Pacific Railway Company) in 1940.

Discussion (use numbered or bullet points; summarize and attach department, agency and citizen comments):

- 1) Applicant is proposing a vacation of an active utility easement (a sanitary sewer line is present in the easement). The current easement is 66 feet wide by 200 feet long. The applicant would then dedicate a new 30 foot wide by 366 foot long drainage and utility easement.
- 2) According to the City's Chief Engineer of Utilities, the new 30 foot wide easement is sufficiently wide for the City's utility crews to service the line in the event of a break. The easement is long enough to cover the entire sanitary sewer line as it runs the length of this property. The new 30 foot wide easement would be dedicated to the public by resolution at the same City Council meeting as would this proposed easement vacation.
- 3) No city utilities would need to be relocated.
- 4) This vacation, if approved, will not deprive any currently platted lots of access to a public right of way. The vacation, if approved, is not and will not be needed for the safe and efficient circulation of automobiles, trucks, bicycles or pedestrians or the efficient supply of utilities or public services in the city (presuming the new utility easement is dedicated); the easement is not and will not be needed to provide pedestrian or recreational access to the water; and the easement is not otherwise needed to promote the public health, safety or welfare of the citizens of Duluth.
- 5) No comments from the general public concerning the vacation.
- 6) Vacations typically lapse unless a plat showing the vacation is recorded with the county recorder within 90 days after final approval.

Staff Recommendation (include Planning Commission findings, i.e., recommend to approve):

Based on the above findings, Staff recommends that Planning Commission recommend approval of the vacation, with the following condition:

- 1) The easement vacation will not be recorded until the proposed new 30 feet by 366 drainage and utility easement is dedicated.



City Planning

PL 15-029
6520 Grand Avenue

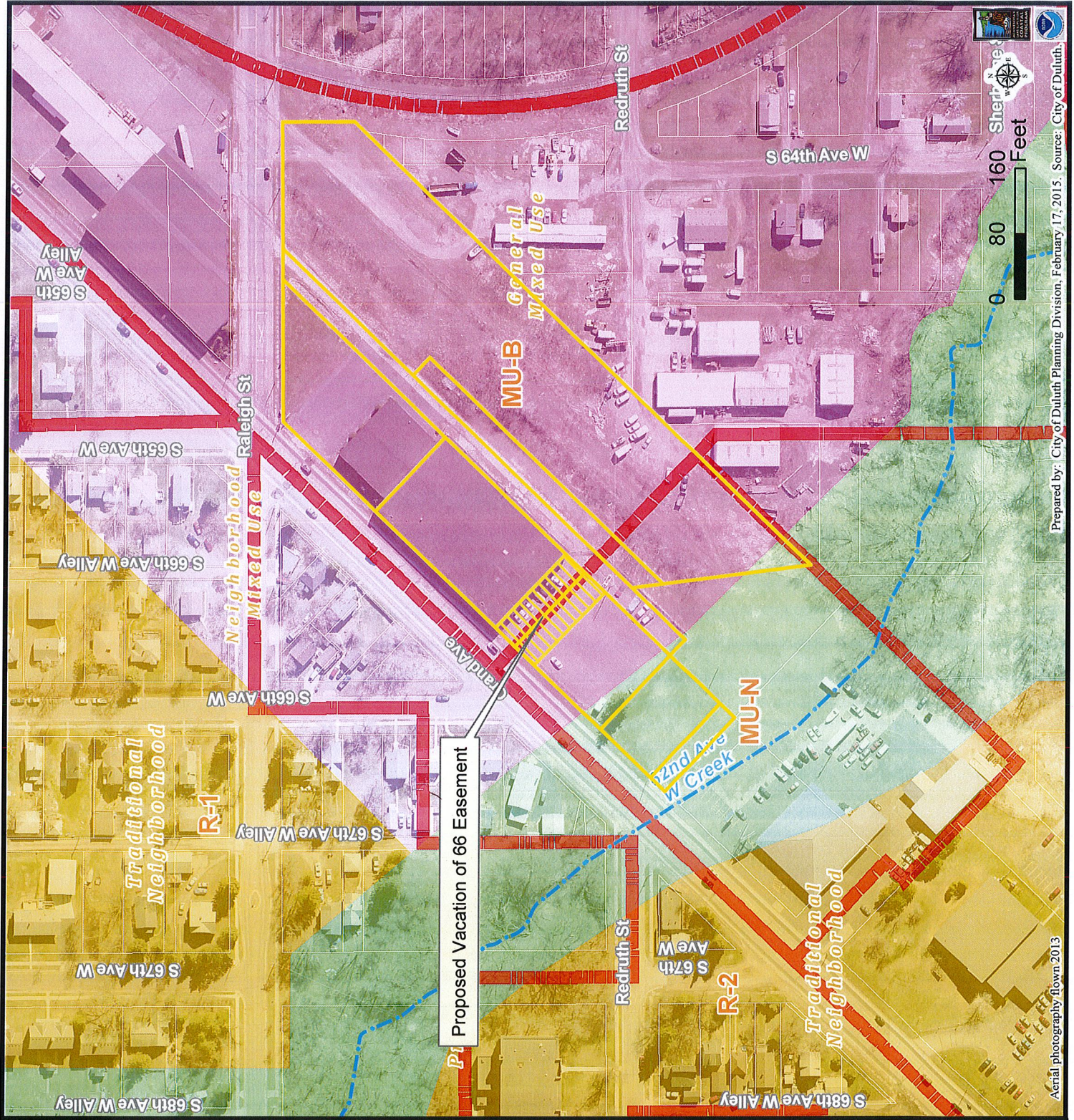
Legend

Future Land Use - Plus

Future Land Use

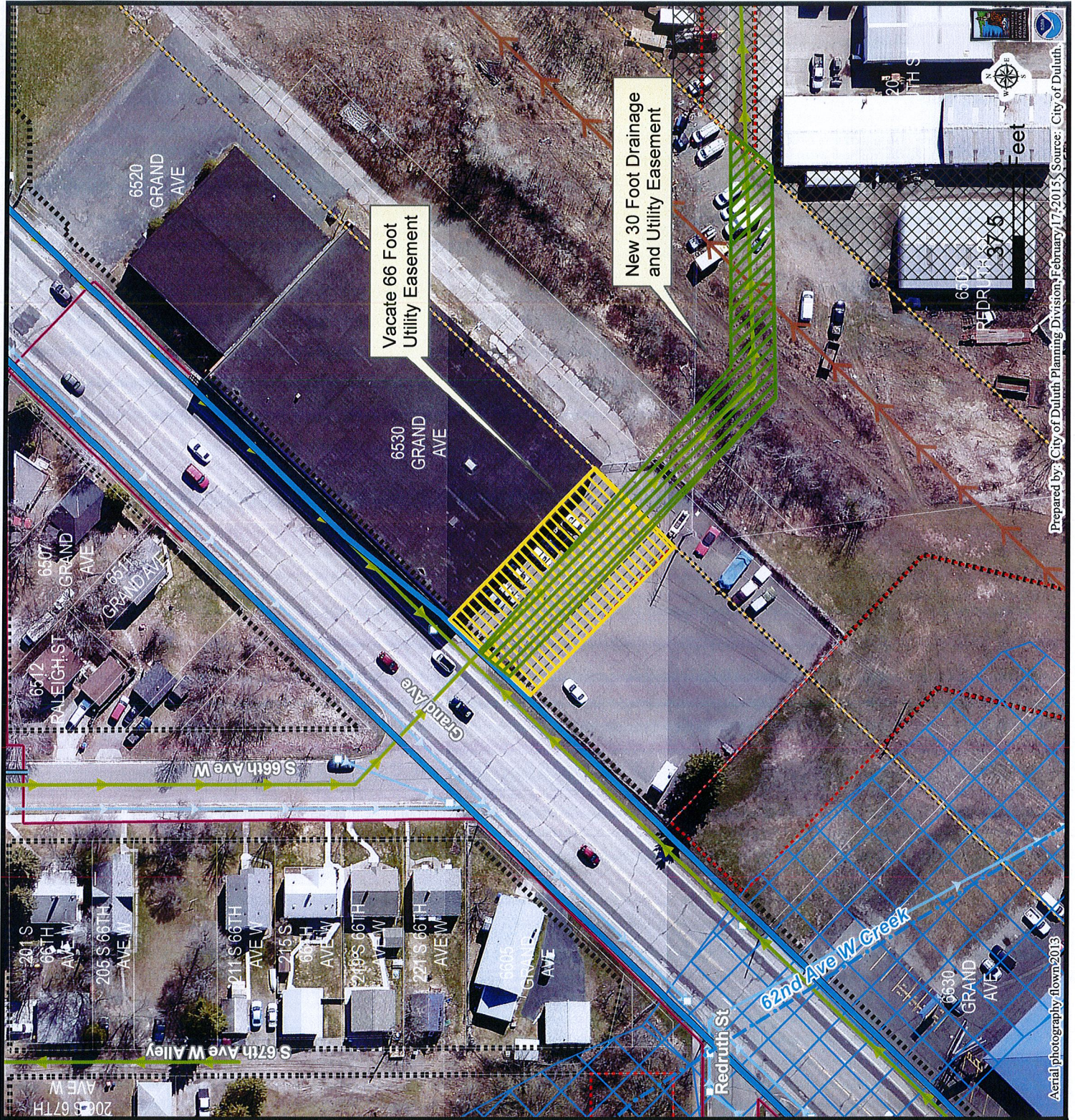
- Preservation
- Recreation
- Rural Residential
- Low-density Neighborhood
- Traditional Neighborhood
- Urban Residential
- Neighborhood Commercial
- Neighborhood Mixed Use
- General Mixed Use
- Central Business Secondary
- Central Business Primary
- Auto Oriented Commercial
- Large-scale Commercial
- Business Park
- Tourism/Entertainment District
- Medical District
- Institutional
- Commercial Waterfront
- Industrial Waterfront
- Light Industrial
- General Industrial
- Transportation and Utilities

The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used as one. The drawing/data is a compilation of records, information and data located in various City, County and State offices and other sources affecting the area shown and is to be used for reference purposes only. The City of Duluth shall not be liable for errors contained within this data provided or for any damages in connection with the use of this information contained within.



Aerial photography flown 2013























Prepared by: City of Duluth Planning Division, February 17, 2015. Source: City of Duluth.



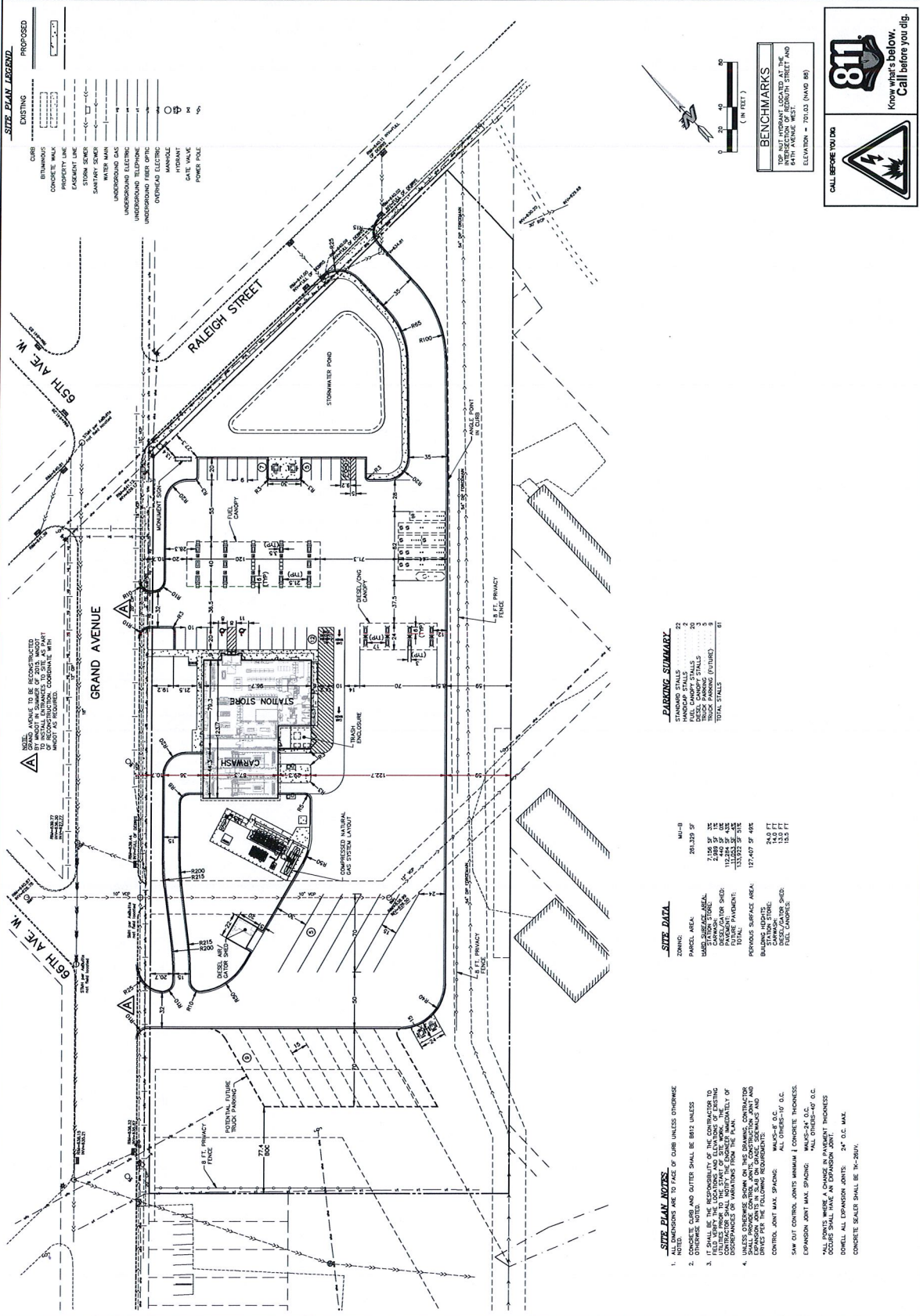
Aerial photography flown 2013

Prepared by: City of Duluth Planning Division, February 17, 2015. Source: City of Duluth.

Legend

-  Trout Stream (GPS)
 Other Stream (GPS)
Water Distribution System
 30 - 60" Water Pipe
 16 - 24" Water Pipe
 4 - 6" Water Pipe
Sanitary Sewer Collection System
 Sanitary Sewer Collector
 Sanitary Sewer Interceptor
 Sanitary Sewer Forced Main
 Storage Basin
 Pump Station
Gas Distribution Main
 8" - 16" Gas Pipes
 4" - 6" Gas Pipes
 0" - 4" Gas Pipes
Storm Sewer Collection System
 Storm Sewer Pipe
 Storm Sewer Catch Basin
Right-of-Way Type
 Road or Alley ROW
 Vacated ROW
Easement Type
 Utility Easement
 Other Easement
Floodplain Type
 General Flood Plain
 Flood Way
 Flood Fringe

The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used as one. The drawing/data is a compilation of records, information and data located in various City, County and State offices and other sources affecting the area shown and is to be used for reference purposes only. The City of Duluth shall not be liable for errors contained within this data provided or for any damages in connection with the use of this information contained within.



SITE PLAN LEGEND

| EXISTING | PROPOSED |
|-------------------------|-------------------------|
| CURB | CURB |
| BIWAYSIDE | BIWAYSIDE |
| CONCRETE | CONCRETE |
| PROPERTY LINE | PROPERTY LINE |
| EXISTING LINE | EXISTING LINE |
| STORM SEWER | STORM SEWER |
| WATER MAIN | WATER MAIN |
| SANITARY SEWER | SANITARY SEWER |
| UNDERGROUND TELEPHONE | UNDERGROUND TELEPHONE |
| UNDERGROUND FIBER OPTIC | UNDERGROUND FIBER OPTIC |
| OVERHEAD ELECTRIC | OVERHEAD ELECTRIC |
| MANHOLE | MANHOLE |
| GATE VALVE | GATE VALVE |
| POWER POLE | POWER POLE |

NOTE: CURB TO BE RECONSTRUCTED TO MATCH IN SURFACE OF 65TH AVENUE W. MAINTENANCE OF RECONSTRUCTION, COORDINATE WITH MAINTENANCE AS REQUIRED.

65TH AVE W. 66TH AVE W. GRAND AVENUE RALEIGH STREET

STATION STORE CARWASH TRASH ENCLOSURE

STORMWATER POND

WATER MAIN

UNDERGROUND TELEPHONE

UNDERGROUND FIBER OPTIC

OVERHEAD ELECTRIC

MANHOLE

GATE VALVE

POWER POLE

STATION STORE CARWASH TRASH ENCLOSURE

STORMWATER POND

WATER MAIN

UNDERGROUND TELEPHONE

UNDERGROUND FIBER OPTIC

OVERHEAD ELECTRIC

MANHOLE

GATE VALVE

POWER POLE

STATION STORE CARWASH TRASH ENCLOSURE

STORMWATER POND

WATER MAIN

UNDERGROUND TELEPHONE

UNDERGROUND FIBER OPTIC

OVERHEAD ELECTRIC

MANHOLE

GATE VALVE

POWER POLE

STATION STORE CARWASH TRASH ENCLOSURE

STORMWATER POND

WATER MAIN

UNDERGROUND TELEPHONE

UNDERGROUND FIBER OPTIC

OVERHEAD ELECTRIC

MANHOLE

GATE VALVE

POWER POLE

Kwik Trip
STORES

Kwik Star
STORES

Kwik Trip, Inc.
P.O. BOX 2100
LA CROSSE, WI 54602-2107
PH: (608) 781-8888
FAX: (608) 781-8880

Carlson McCain
ENVIRONMENTAL ENGINEERING & SURVEYING
1000 W. MONROE STREET
LA CROSSE, WI 54601
PH: (608) 785-7000 FAX: (608) 785-7001

License # 15089
Signature: *[Signature]*
Date: 12/12/14

CONVENIENCE STORE #273
WITH DOUBLE BAY CARWASH
AND DIESEL

GRAND AVENUE & RALEIGH STREET
DULUTH, MINNESOTA

DATE 12/12/14
DESCRIPTION PRELIMINARY
SCALE 1" = 20' (SEE COMMENTS)
PROJECT NO. 14-001
DATE 12/12/14
SHEET SP2

811
Know what's below.
Call before you dig.

CALL BEFORE YOU DIG

NOTE: ALL DIMENSIONS ARE TO FACE OF CURB UNLESS OTHERWISE SPECIFIED.

CONCRETE CURB AND GUTTER SHALL BE 18"X18" UNLESS OTHERWISE NOTED.

ALL DIMENSIONS ARE TO FACE OF CURB UNLESS OTHERWISE SPECIFIED.

CONCRETE CURB AND GUTTER SHALL BE 18"X18" UNLESS OTHERWISE NOTED.

ALL DIMENSIONS ARE TO FACE OF CURB UNLESS OTHERWISE SPECIFIED.

CONCRETE CURB AND GUTTER SHALL BE 18"X18" UNLESS OTHERWISE NOTED.

ALL DIMENSIONS ARE TO FACE OF CURB UNLESS OTHERWISE SPECIFIED.

CONCRETE CURB AND GUTTER SHALL BE 18"X18" UNLESS OTHERWISE NOTED.

ALL DIMENSIONS ARE TO FACE OF CURB UNLESS OTHERWISE SPECIFIED.

STATION STORE CARWASH TRASH ENCLOSURE

STORMWATER POND

WATER MAIN

UNDERGROUND TELEPHONE

UNDERGROUND FIBER OPTIC

OVERHEAD ELECTRIC

MANHOLE

GATE VALVE

POWER POLE

STATION STORE CARWASH TRASH ENCLOSURE

STORMWATER POND

STATION STORE CARWASH TRASH ENCLOSURE

STORMWATER POND

WATER MAIN

UNDERGROUND TELEPHONE

UNDERGROUND FIBER OPTIC

OVERHEAD ELECTRIC

MANHOLE

GATE VALVE

POWER POLE

STATION STORE CARWASH TRASH ENCLOSURE

STORMWATER POND

STATION STORE CARWASH TRASH ENCLOSURE

STORMWATER POND

WATER MAIN

UNDERGROUND TELEPHONE

UNDERGROUND FIBER OPTIC

OVERHEAD ELECTRIC

MANHOLE

GATE VALVE

POWER POLE

STATION STORE CARWASH TRASH ENCLOSURE

STORMWATER POND

STATION STORE CARWASH TRASH ENCLOSURE

STORMWATER POND

WATER MAIN

UNDERGROUND TELEPHONE

UNDERGROUND FIBER OPTIC

OVERHEAD ELECTRIC

MANHOLE

GATE VALVE

POWER POLE

STATION STORE CARWASH TRASH ENCLOSURE

STORMWATER POND

5

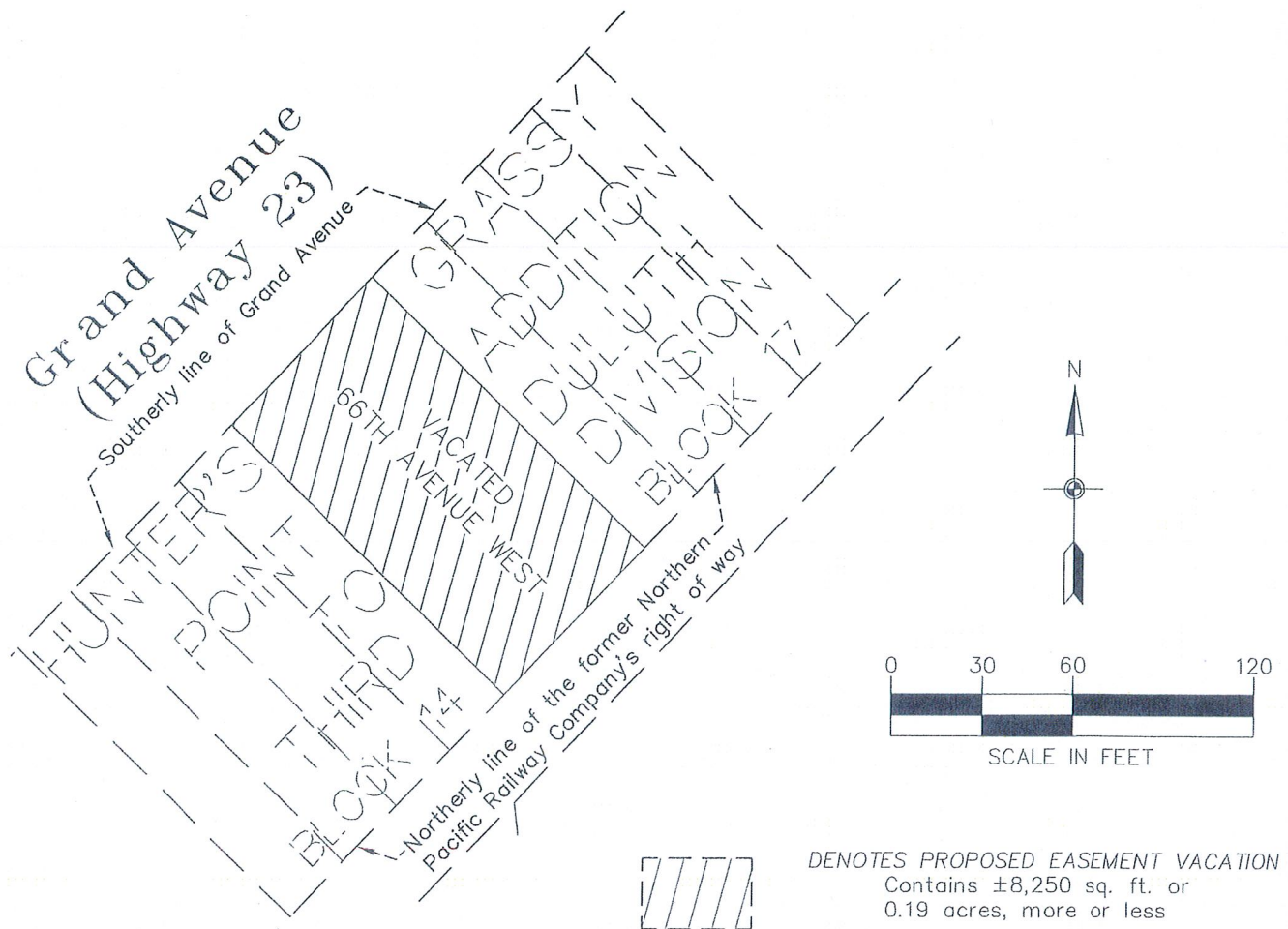


© 2013 Pk

60

Easement Vacation Exhibit

KWIK TRIP #273



PROPOSED EASEMENT VACATION:

A vacation of the utility easements lying over, under, and across vacated 66th Avenue West, described as follows:

That part of 66th Avenue West which lies between the Southerly line of Grand Avenue and the Northerly line of the former Northern Pacific Railway Company's right of way, and which also lies between Block numbered Fourteen (14) and Block numbered Seventeen (17) in HUNTER'S GRASSY POINT ADDITION TO DULUTH, THIRD DIVISION, as the same was vacated by Resolution dated May 1, 1940, records in the City Clerk according to the recorded plat thereof on file and of record in the office of the Register of Deeds in and for St. Louis County, Minnesota.

SUBJECT to an easement in favor of the public for the laying and installing of water and gas, sewers, conduits and all other public purposes, as such easements were created by those certain resolutions adopted by City of Duluth on April 29, 1940, and certified copies of which resolutions were filed on April 30, 1940, and on May 7, 1940, in Book 83 of Miscellaneous on pages 586 and 613 thereof respectively.

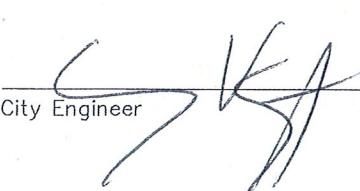
CERTIFICATION:

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly licensed land surveyor under the laws of the State of Minnesota.

Dated: 2/4/15

Signed: Carlson McCain,

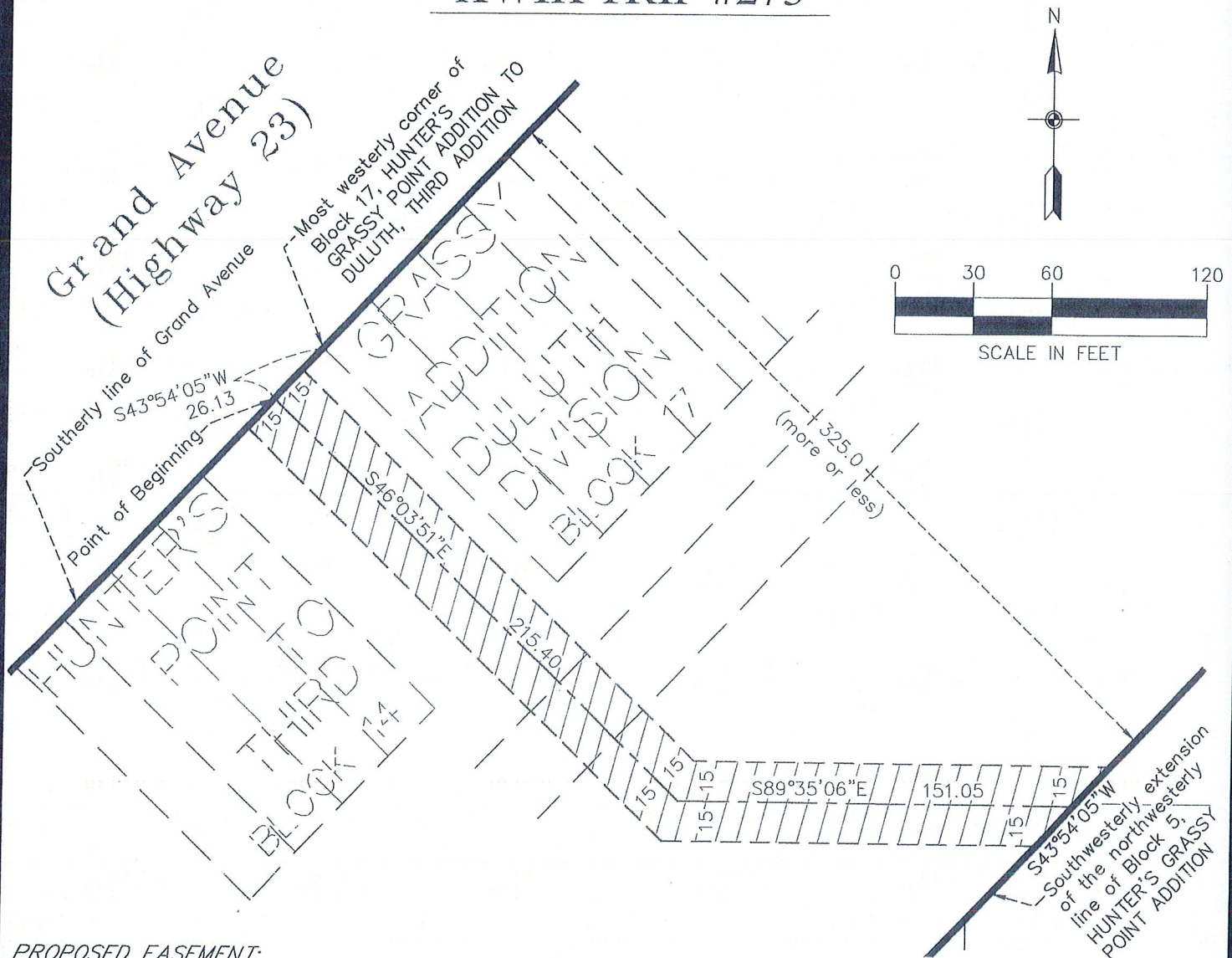
By: 
Kurt M. Kisch, Professional Land Surveyor
License No. 23968
State of Minnesota


City Engineer


ENVIRONMENTAL • ENGINEERING • SURVEYING

Drainage & Utility Easement Exhibit

KWIK TRIP #273



PROPOSED EASEMENT:

A 30.00 foot wide drainage and utility easement lying over, under, and across part of vacated 66th Avenue West and part of the Northeast Quarter of Section 13, Township 149 North, Range 15 West, the centerline is described as follows:

Commencing at the most westerly corner of Block 17, HUNTER'S GRASSY POINT ADDITION TO DULUTH, THIRD ADDITION, according to the recorded plat thereof, St. Louis County, Minnesota; thence South 43 degrees 54 minutes 05 seconds West, assumed bearing along the southerly line of Grand Avenue, 26.13 feet to the point of beginning of the centerline to be described; thence South 46 degrees 03 minutes 51 seconds East, 215.40 feet; thence South 89 degrees 35 minutes 06 seconds East, 151.05 feet more or less, to the southwesterly extension of the northwesterly line of Block 5, HUNTER'S GRASSY POINT ADDITION, and said centerline there terminating.

CERTIFICATION:

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly licensed land surveyor under the laws of the State of Minnesota.

Dated: 2/4/15

Signed: Carlson McCain, Inc.

By:

Kurt M. Kisch, Professional Land Surveyor

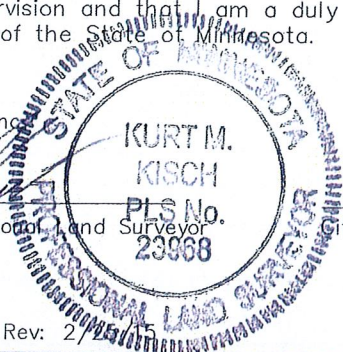
License No. 23968

State of Minnesota

City Engineer



DENOTES PROPOSED EASEMENT
Contains $\pm 10,994$ sq. ft. or
0.25 acres, more or less





10